

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN MCCALL and JAMES RAM,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:10-cv-00269-HEA
)	
MONRO MUFFLER BRAKE, INC.,)	
d/b/a AUTOTIRE CAR CARE CENTER,)	
)	
and)	
)	
AM-PAC TIRE DIST. INC.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO FILE DOCUMENTS UNDER SEAL

Defendants Monro Muffler Brake, Inc. (“Monro”) and Am-Pac Tire Dist. Inc. (“Am-Pac”) (collectively, “Defendants”), doing business as AutoTire Car Care Center (“AutoTire”), move this Court for leave to file under seal (1) their Memorandum in Opposition to Plaintiffs’ Motion for Class Certification and (2) their Supplemental Memorandum in Support of Motion for Summary Judgment. In support, Defendants state as follows:

1. On October 7, 2011, the parties agreed to and filed a Consent Protective Order [Doc. No. 63-1], which the Court entered on October 11, 2011 [Doc. No. 64].
2. The Consent Protective Order provides that if any party identifies a document as “Confidential” that “such designated documents, interrogatory answers and other discovery ... filed with the court ... shall be filed under seal....” [Doc. No. 63-1, p. 3, ¶ 6].
3. The parties have agreed, pursuant to the Consent Protective Order, to identify certain deposition transcripts and documents produced in this lawsuit as “Confidential.”
4. The two foregoing briefs focus on the new theory of liability raised by plaintiffs

in their recently-filed Motion to Certify.

5. The theory focuses on the fiscal year 2011 shop supply cost study prepared by Monro's Chief Financial Officer.

6. Monro designated that study as "Confidential" under the Protective Order, in order to ensure that its internal cost data will not be shared with competitors.

7. Because both of the two foregoing briefs focus on the confidential cost study, Defendants seek leave to file them under seal.

WHEREFORE, Defendants move this Court for leave to file under seal their: (1) Opposition to Plaintiffs' Motion for Class Certification and (2) Supplemental Memorandum in Support of their Motion for Summary Judgment.

Respectfully submitted,

/s/ Robert J. Wagner

Robert J. Wagner, #46391MO

Brian A. Lamping, #61054MO

THOMPSON COBURN LLP

One US Bank Plaza

St. Louis, MO 63101

314-552-6000

314-552-7000 (fax)

rwagner@thompsoncoburn.com

blamping@thompsoncoburn.com

Attorneys for Defendants Monro Muffler Brake,
Inc. and Am-Pac Tire Dist. Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, by filing with the Court using the CM/ECF electronic filing system on this the 2nd day of April, 2012, upon all counsel of record:

/s/ Robert J. Wagner